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FILED
MAR 16 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY CLERK

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

PREPARED BY DETAINEE IN ABSENSE OF LEGAL & TECHNICAL SUPPORT.

Mendez Lainez, Pedro

PETITIONER

V.

ATTORNEY GENERAL, SECRETARY OF DEPARTMENT OF HOMELAND SECURITY, DIRECTOR OF ICE, DIRECTOR OF ICE ENFORCEMENT & REMOVAL OPERATION, WARDEN, KARNES COUNTY IMMIGRATION PROCESSING CENTER et al, ALL NAMED IN THEIR OFFICIAL CAPACITY.

RESPONDENTS

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C 2241

PETITIONER, Mendez Lainez, Pedro, AI No [redacted], BY AND THROUGH THIS PETITION AND RESPONSE TO RESPONDENTS'

RESPONSE RECEIVED ON 03/11/2026 PERTAINING TO CIVIL ACTION / CASE NUMBER 5-25-CV-1873-SSS, SEEKING A WRIT OF HABEAS CORPUS TO CHALLENGE HIS PROLONGED AND

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UN LAW FUL DETENTION by RESPONDENTS, WHICH VIOLATES THE PETITIONER'S STATUTORY RIGHTS, WHICH ARE PROTECTED AND MAINTAINED by U.S. CONSTITUTION, FIFTH AMENDMENT AND FEDERAL LAWS.

CHALLENGES TO DETENTION.

PETITIONER CHALLENGES THE LEGALITY OF HIS CONTINUED DETENTION by THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) ON IMMIGRATION CHARGES DESPITE THE EXISTANCE OF VALID DOCUMENTS SUCH AS WORK PERMIT

THE PETITIONER HAS BEEN DETAINED SINCE / /202 SINCE HIS FIRST ARREST AND HAS BEEN IN CUSTODY DESPITE BEING IN IMMIGRATION COURT PROCEEDINGS.

PRE-DETERMINED JUDGEMENTS IT HAS BEEN WITNESSED THAT IMMIGRATION JUDGES ARE UNDER EXTREME PRESSURE FROM THE EXECUTIVE BRANCH, AND AS A RESULT JUDGES ARE ENTERING COURTS WITH PRE-DETERMINED JUDGEMENT, WHICH SUPPORTS ICE'S CLAIM FOR DEPORTATION / REMOVAL WHICH IN TURN VIOLATES THE VERY BASIS OF DEMOCRACY AND JUDICIAL INDEPENDANCE IN THE UNITED STATES OF AMERICA.

DETENTION / REMOVAL AND DEPORTATION ORDER UNDER THE PRECEDENT OF ZADVYDAS V DAVIS, 533 U.S 678 (2001), SUCH PROLONGED, INDEFINITE DETENTION IS CONSTITUTIONALLY SUSPECT. ASYLUM APPLICATION Vs COURT DECISION AN ASYLUM APPLICATION HAS BEEN SUBMITTED by PETITION SINCE

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HIS FIRST ENTRY INTO THE UNITED STATES

JURISDICTION OF COURT.

THIS COURT HAS JURISDICTION TO HEAR THIS PETITION PURSUANT TO 28 U.S.C 2241, AS IT CHALLENGES THE LAWFULN OF THE PETITIONER DETENTION UNDER FEDERAL LAW, SEE DEMORE V. KIM 538 U.S. 510 (2003)

VENUE IS PROPER IN THE WESTERN DISTRICT OF TEXAS AS THE PETITIONER IS CURRENTLY CONFINE WITHIN THIS DISTRIC

FLIGHT RISK / THREAT TO COMMUNITY

SINCE MY ENTRY TO THE UNITED STATES OF AMERICA AND M CONTINED RESIDENCE AND DESPITE MISTAKES, I NOW REGRE DOING, I HAVE NEVER COMMITTED ANY CRIMES OR BEING INVOLVES IN TRAFFIC VIOLATIONS, IN ADDITION BEING A FAMILY PERSON, RESPONSIBLE WORKER, I AM ALWAYS KEEN T FOLLOW AND AD HERE TO THE COUNTRY'S LAWS WHETHER FEDERAL OR STATE BASED. AS A RESULT OF HOLDING A CLEAN RECORD WITH NO CRIMINAL OR MORAL CRIMES, I AM POSITIVE I SHALL ALWAYS BE A USEFULL MEMBER OF SOCIETY AND SHALL ALWAYS ATTEND MY IMMIGRATION COURT HEARINGS WITHOUT DELAY.

FEAR-BASED RELIEF AND HARDSHIP.

THE COURT MAY ALSO CON CONSIDER THE PERSUASIVE ARGUMENT MADE IN D.V.D UNITED STATES DEP OF HOMELAND SECURITY, (25-10676) WHERE THE COURT TEMPORARILY RESTRAINED DHS FROM REMOVING AN ALIEN TO A THIRD COUNTRY WITH THE

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OPPORTUNITY TO RAISE FEAR-BASED RELIEF THIS HIGHLIGHTS THE IMPORTANCE OF FAIR PROCED SUCH ON GOING DETENTION ALSO RAISES A HUMANITARIAN CONCERN AT MY AGE, SUCH LONG AND REPEATED DETENTIONS INFLICT SIGNIFICANT EMOTIONAL AND PSYCHOLOGICAL TOLL, REVIVI PAINFULL MEMORIES AND CAUSING TRAUMA, WHERE I SUFFER CONSTANT DEPRESSION AND ANXIETY AS WELL AS LACK OF SLEEP, AND CONSTANT NIGHTMAIRE OF NON-STOP CRUEL, UNUSUAL PUNISHMENT IN CONTRAVENTION OF the 8th AMENDMENT

I UNDERSTAND THE AMERICAN NEED FOR IMMIGRATION REGULATIONS AND I AM FULLY WILLING TO CO-OPERATE WIT AUTHORITIES, HOWEVER, NO ONE SHOULD FORGET, SPECIALLY T RESPUNDENTS THAT THE AMERICAN DEMOCRACY AND FREEDOM PRINCIPLES DON'T EXIST WHERE. I COME FROM AND MY FEAR FOR MY LIFE IS WHAT HAS ENCOURAGE ME TO COME TO THE UNITED STATE OF AMERICAN - THE CRADDLE OF DEMOCRACY AN FREEDOM.

WHICH IS PROTECTED BY U.S.C, LAWS AND TREATIE ONE OF WHICH IS THE IMMIGRATION AND NATIONALITY ACT, WHICH PROHIBTS DETENTION FOR OVER 90 OR 180 DAYS UNLESS JUSTIFIED BY AND GOVERNED BY LEGAL GROUNDS WITH VIOLATIO TO THE U.S CONSTITUTION, FEDERAL LAWS AND TREATIES WHE U.S IS A MEMBER OR A PARTY TO, SUCH AS GENEVA CONVENTIO AND U.N STATUTE FOR HUMAN RIGHTS.

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DUE PROCESS AND GROUND RELIEF

GROUND:

PRO-LONGED DETENTION IS A VIOLATION OF DUE PROCESS A STATUTORY RIGHTS.

ICE DETENTION VIOLATES THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT AND 8.U.S.C 1231(a)(6) AS INTERPRETED BY THE SUPREME COURT IN ZADVYDAS V. DAVI THE PETITIONER'S DETENTION IS NO LONGER REASONABLE RELATED TO THE PURPOSE OF EFFECTUATING REMOVAL DEPORTATION AND HAS BECOME INDEFINITE AND PUNITIVE.

THE PETITIONER HAS FULLY COOPERATED WITH AUTHORITY THROUGH THE DETENTION PROCESS AND RELIEF HAS BECOME DUE TO ENABLE THE PETITIONER TO CONTINUE THE COURT HEARIN OUT SIDE THE DETENTION, PETITIONES HERE AGREES TO BE PLACED UNDER SUPERVISION WHILE OUT SIDE DETENTION, WHERE APPROPIATE AND SUITABLE TO THE RESPONDENTS.

PETITIONER'S REQUEST FOR RELIEF

THE PETITIONER APPEALS TO THE HONOURABLE COURT AND THE RESPECTED RESPONDANTS TO APPROVE THE RELIEF AS SUGGESTED BELOW:

1. RESPONDENTS RELEASE PETITIONER FROM CUSTODY UNDER APPROPRIATE CONDITIONS OF RELEASE TO A SUITABLE PUBLIC PLACE OF THE PETITIONER'S ORIGINAL PLACE OF ARREST.
2. RESPONDENTS NOTIFY PETITIONER'S COUNSEL OF THE EXACT LOCATION AND TIME OF RELEASE AS SOON AS PRACTICALE.
3. THE RESPONDENTS' PARTY SHALL FILE A JOINT STATUS REPORT CONFIRMING THAT PETITIONER HAS BEEN RELEASED.

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4. Respondents are enjoined from re-detaining. the Petitioner without notice and a pre-deprivation Hearing before a neutral decision maker pursuant to U.S.C. 1226.

Precedents of Fifth Circuits

The Petitioner to the best of his ability presents the following 5th Circuits precendents in support of the Petitiones request for release

See Martinez v. Hyde 792 F Supp 3 d 211, 223 n. 23 (D. Mass 2025)
Because Petitioner can't be detained under section 1225(b) the remaining option is section 1226, as Respondents do not claim the Petitioner is being detained under section 1226 However, the court has seen no reason to consider section 122 as a basis for Petitioner's awent detention. His detention is unlawfail and Hapeas relief is proper. See also ECF No 6 at 3 (Respondents acknowledgment that the only relief available to Petitioner through Habeas Corpus is release from custody.

Additional 5th Circuit Precedents.

Quandos v. Noem, 2025. U.S. Dist Lexis 232321

Pineda v. Noem, 2025. U.S. Dist Lexis 253622

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CAMACHO-GUTIERREZ. V. THOMPSON, 2026, U.S. DIST LEXIS 167

VAZQUEZ-DE LA TORRE. V. BONDI, 2026 U.S. DIST LEXIS 4304

GONZALEZ-PEREZ. V. BONDI, 2026. U.S. DIST LEXIS 26797.

COULIBALY. V THOMPSON, 2025. U.S. DIST LEXIS 250958

HERNANDEZ SANTOS V. MERRICK, 2026. U.S DIST LEXIS 2318

LUIS C. V. BONDI, 2026 U.S DIST LEXIS 15371

JOSE G. V. BONDI. 2026 U.S DIST LEXIS 14414.

AMELIA C.P. V. NOEM, 2025 U.S. DIST LEXIS 260589

LEON V. NOEM, 2025 U.S. DIST. LEXIS 273815.

SINGH V. TAYLOR, 2026 U.S DIST LEXIS 26160.

LOPEZ V. BOBBY THOMPSON, WARDEN, S. TEX, DET CTV, 2025 U.S DIST. LEXIS. 267137.

CUSMAN V. BONDI, 2025 U.S DIST LEXIS 268695

NAVEDA V. NOEM, 2026 U.S. DIST LEXIS 15136

BRITO ROSALES V. NOEM, 2026. U.S. DIST LEXIS 4508

LORENZO C.P V NOEM No 1:25-CV-181, 2025 U.S DIST LEXIS 264574

LOPEZ V. NOEM, 2026 U.S DIST LEXIS 13625

CORDOVA V. NOEM, 2026 U.S DIST LEXIS 15489.

COLMENARES SILVA V. BONDI, 2026 U.S. DIST LEXIS 2802

BRITO ROSALES. V NOEM, 2026 U.S. DIST LEXIS 4508

BLANCO V BONDI, 2025 U.S. DIST LEXIS 270379

- KARNES COUNTY PRECEDENTS:

MOJO S V. THOMPSON, 2026 U.S. DIST LEXIS 33672

CONCLUCION.

IT IS IMPORTANT TO RESPOND TO RESPONDENTS ASSERTION THAT THE COURT'S JURRIDICTION IS CIRCUMSCRIBED IN MAKING ITS DETERMINATION DUE TO THE SWEEPING POWERS GRANTED TO THE OTHER GOVERNMENT BRANCHES IN THE FIELD OF IMMIGRATION ECF No. 11 AT 2. ONE MUST HOWERES DISTINGUISH BETWEEN THE SUBSTANTIVE POWER OF THE EXECUTIVE BRANCH OVER IMMIGRATION ISSUES, AN AREA IN WHICH IT INDEED HAS PLENARY POWER, AND THE MEANS THE GOVERMENT HAS CHOSEN TO EXCERCISE THAT PLENARY POWER TO WHICH NO EXECUTIVE DEFENCE IS NECESSARY ASHLEY V. RIDGE 288 F SUPP. 2 D 662, 667 (DNJ 2003), See ALSO ZADUYDAS V. DAVIS, 533 U.S 678, 695, 121 S CT 2491. 150 L ED 2D 653 (2001)^ NOTING THE GOVERNMENTS PLENARY POWER TO EXPEL IMMIGRANTS, BAT STATING THAT CONGRESS MUST CHOOSE A CONSTITUTIONALLY PERMISSIBLE MEANS OF IMMPLEMENTING ITS IMMIGRATION POWER, INS V. CHADHA, 462 U.S. 919. 940-941. 103 S CT 2764. 771 ED 2D 317 (1982).

PETITIONER BELIEVES THAT HIS DETENTION PURSUANT TO THE AUTOMATIC STAY PROVISION OF 8 C.F.R § 1003.19 (I)(2) NOT THE MANDATORY DETENTION PROVISION OF 8 U.S.C § 1225(B), THERE FORE THE COURT SHOULD ONLY BE CONCERNED WITH THE LAW FULLNESS OF THE AUTOMATIC STAY, THE PRESENT BASIS FOR THE PETITIONER'S DETENTION.

IN ADDITION, THE RESPONDENTS ONLY MINIMALLY ADDRESS THE TRO LE-GAL STANDARDS, SEE ECF No 11 IN THIS REGARD, RESPONDENTS PRIMARY ARGUMENT CONCERNING THE QUESTION OF DETENTION DOES ADDRESS THE MERITS ON WHICH THIS PETITION WAS MADE FOR RELEASE FROM DETENTION.

A LIKELIHOOD OF SUCCESS ON THE MERITS NONCITIZENS ARE ENTITLED TO DUE PROCESS OF THE LAW UNDER THE FIFTH AMENDMENT, SEE DEMORE V. KIM. 538 U.S 510 523. 123 S CT. 1708 155 L ED 724 (2003) TO DETERMINE WHETHER A CIVIL DETENTION VIOLATES A DETAINEE'S DUE PROCESS RIGHTS.

COURTS APPLY THE THREE-PART TEST SET IN MATHEWS V. ELDRIDGE. 424 U.S 319. 96 S CT 893. 47 L ED. 2D 18 (1976) PURSUANT TO MATHEWS, COURTS WEIGHT THE FOLLOWING 3 FACTOR.

1. THE PRIVATE INTEREST THAT WILL BE AEFECTED BY THE OFFICIAL ACTION.
2. THE RISK OF AN ERRONOUS DEPRIVATION OF SUCH INTEREST THROUGH THE PROCEDURES USED, AND THE PROBABLE VALUE, IF ANY, OF ADDITIONAL OR SUBSTITUTE PROCEDURAL SAFE GUARDS, AND
3. THE GOVERNMENT'S INTEREST, INCLUDING THE FUNCTION INVOLVED AND THE FISICAL AND ADMINISTRATIVE BURDENS. THAT THE ADDITIONAL OR SUBSTITULE PROCEDURAL REQUIREMENT WOULD ENTAIL.

1. PRIVATE INTEREST

IT IS UNISPUTED, PETITIONER HAS A SIGNIFICANT PRIVATE INTEREST IN BEING FREE FROM DETENTION. THE INTEREST IN BEING FREE FROM PHYSICAL DETENTION IS THE MOST ELEMENTAL OF LIBERTY INTERESTS. WHEN ADDRESSING THE PRIVATE INTEREST, COURTS SHOULD CONSIDER THE DETAINEE'S CONDITIONS OF CONFINEMENT. IN THIS DECLARATION, PETITIONER REPORTS BEING HELD AT THE KARNES COUNTY IMMIGRATION PROCESSING CENTER AND IS EXPERIENCING ALL THE DEPRIVATIONS OF IN CARCERATION, INCLUDING LOSS OF CONTACT WITH FRIENDS AND FAMILY, LOSS OF INCOME EARNING, LACK OF PRIVACY AND MOST FUNDAMENTALLY, THE LACK OF FREEDOM OF MOVEMENT, SEE CINAYDEN, 2025 U.S. DIST LEXIS 99237, 2025 WL 1459154 AT *7.

THUS, THE FIRST MATHEWS FACTOR "PRIVATE INTEREST" SUPPORTS THE PETITIONER'S CLAIM OF A FIFTH AMENDMENT VIOLATION.

2. RISK OF ERRONOUS DEPRIVATION.

UNDER THIS FACTOR, THE HONOURABLE COURT MUST ASSES WHETHER THE CHALLENGED PROCEDURE CREATES A RISK OF ERRONOUS DEPRIVATION OF INDIVIDUALS' PRIVATE RIGHTS AND THE DEGREE TO WHICH ALTERNATIVE PROCEDURES COULD AMELIORATE THESE RISKS. THE RISK OF DEPRIVATION IS HIGH BECAUSE, TAKING INTO ACCOUNT THE PAST PERIOD, PROOFING THAT PETITIONER IS NEITHER A FLIGHT RISK NOR A COMMUNITY RISK TAKING INTO ACCOUNT, THAT PETITIONER HAS SEEKED ALTERNATIVE MEANS

SUCH AS BONDS, WHERE IMMIGRATION JUDGES ARE DENYING SUCH OPPORTUNITIES, SPECIALLY IN STATES LIKE TEXAS. THEREFORE THE CASE PRESENTS A SERIOUS RISK OF ERRONOUS DEPRIVATION OF THE PETITIONER'S PRIVATE INTEREST AND §1003 19(I)(1) ALREADY PROVIDES A SIMPLE ALTERNATIVE THAT WOULD SAFEGUARD THESE RIGHTS.

THUS THE SECOND MATHEWS FACTOR ALSO SUPPORTS PETITIONER'S CLAIM OF A FIFTH AMENDMENT VIOLATION.

3. RESPONDENTS COMPETING INTEREST AND BURDENS OF ADDITIONAL OR SUBSTITUTE PROCEDURAL REQUIREMENTS.

AS TO THE THIRD MATHEWS FACTOR, COURTS HAVE FOUND IN NUMEROUS CASES THAT MATHEWS IS LIKELY TO SUCCEED IN DEMONSTRATING THAT ENSURING PERSONS SUBJECT TO REMOVAL DO NOT COMMIT CRIMES OR EVADE LAW ENFORCEMENT IS A SIGNIFICANT GOVERNMENTAL INTEREST. IN THIS CASE AND UNDER THIS FACTOR, COURT SHOULD WEIGH - THE PRIVATE INTEREST AT STAKE AND THE RISK OF ERRONOUS DEPRIVATION OF THOSE INTERESTS AGAINST RESPONDENTS' INTERESTS IN PERSISTING WITH THE AUTOMATIC STAY AND THE BURDENS OF ADDITIONAL OR SUBSTITUTE REQUIREMENTS, SEE MATHEWS 424 U.S. AT 335.

FURTHER MORE, RESPONDENTS STATE ONLY IN CONCLUSORY FASHION THE GOVERNMENT AND THE PUBLIC AT LARGE HAVE A STRONG INTEREST IN THE ENFORCEMENT OF

THE IMMIGRATION LAWS AND THE REMOVAL OF CRIMINAL ALIENS. THERE IS NO DOUBT THAT SUCH INTERESTS HAVE ALREADY BEEN SECURED BY THE JUDGE(S) THROUGHOUT THE IMMIGRATION COURT HEARINGS, THE PETITIONER IS NEITHER A DANGER NOR A FLIGHT RISK. THUS THE GOVERNMENT'S INTEREST IS BOTH VAGUE AND MINIMAL ESPECIALLY IN CONTRAST TO THE SIGNIFICANT LIBERTY INTEREST AT STAKE FOR THE PETITIONER.

BASED ON THE ABOVE, THE PETITIONER APPEAL TO THE HONORABLE COURT TO ADOPT THE VIEW THAT PETITIONER IS LIKELY TO SUCCEED IN DEMONSTRATING THE AUTOMATIC STAY REGULATION FOUND AT 8 C.F.R § 1003.19(I)(2) VIOLATES THE PETITIONER'S PROCEDURAL DUE PROCESS RIGHTS UNDER THE FIFTH AMENDMENT, FULFILLING THE FIRST ELEMENT AN APPLICANT MUST SATIFY TO OBTAIN A TRO.

4. A/O DOUBT PETITIONER HAS SUFFERED GREATLY OF IRREPARABLE HARM, INCLUDING BUT NOT LIMITED TO PSYCHOLOGICAL, FINANCIAL NOT JUST TO HIM BUT HIS IMMEDIATE FAMILY WHITHER IN THE U.S.A OR IN HIS HOME COUNTRY.

RESPONDENTS GIVE SHORT SHRIFT TO IRREPARABLE HARM, FAILING TO REFUTE OR RESPOND TO THE PETITIONER, CLAIMS OTHER STATING PETITIONER HAS PROVIDED NO BASIS FOR THIS COURT TO DETERMINE THAT HIS CONTINUED DETENTION WILL CAUSE HIM

IRREPARABLE HARM. THEREFORE THE HONOURABLE COURT SHOULD NOTICE THAT THE HARM IS SELF-EVIDENT, FULLFILING THE SECOND ELEMENT. THE PETITIONER SALISEY TO OBTAIN TRO.

5. BALANCE OF HARM & PUBLIC INTEREST THE BALANCE OF HARM AND PUBLIC INTEREST FAVOUR THE PETITIONER, AS JUDGE(S) HAVE NOT CITED DURING THE HEARINGS ANY EVENTS OF DANGER OR RISK. IN ADDITION RESPONDENTS HAVE NOT PRESENTED ANY EVIDENCE TO SUPPORT THEIR REQUEST FOR CONTINUOUS DETENTION. THE PETITIONER CLEARLY REPORTS HERE THAT THIS UNLAWFULL DETENTION OUTWEIGH IN TERMS OF HARM AND SUFFERING DUE TO THE DENY OF HIS LIBERTY.

NO DOUBT THE PROTECTION OF CONSTITUTION AND NATIONAL SECURITY ARE THE ULTIMATE INTEREST OF THE PUBLIC, YET, THE RESPONDENTS STATE ONLY IN CONCLUSORY FASHION THE GOVERNMENT AND THE PUBLIC AT LARGE HAVE STRONG INTEREST IN THE ENFORCEMENT OF THE IMMIGRATION LAWS AND THE REMOVAL OF CRIMINAL ALIENS: ECF NO 11 AT 6, THUS, THE PETITIONER HERE CLEARLY MEETS HIS BURDEN OF PERSUASION.

ACCORDINGLY, I, THE PETITIONER HERE WITH URGE THE HONOURABLE COURT TO ISSUE THE WRIT OF HABEAS CORPUS RELIEF OF RELEASE, SUBJECT TO REASONABLE CONDITIONS OF SUPERVISION IF NECESSARY. FURTHER GRANT DEEMS JUST AND PROPER.

RESPECT FULLY SUBMITTED.

VERIFICATION.

I Pedro Mendez , THE PETITIONER, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE U.S.A. THAT THE FORE GOING IS TRUE AND CORRECT TO THE BEST OF MY ABILITY. I FURTHER UNDERSTAND THAT A FALSE STATEMENT OF A MATERIAL FACT HERE IN MAY SERVE AS THE BASIS FOR PROSECUTION FOR PERJURY.

EXCUTED ON: 03/05/2026

NAME: Pedro Mendez

A# [redacted]

CERTIFICATE OF SERVICE

I pedro Mendez CERTIFY THAT ON 03-06-2026 A COPY OF THE FOREGOING DOCUMENT WAS MAILED TO RESPONDENTS AT THE FOLLOWING ADDRESS.